

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ALBERTO WILLIAM VILAR and
GARY ALAN TANAKA,

Defendants.

No. 05 Crim. 621 (RJS)
ORDER

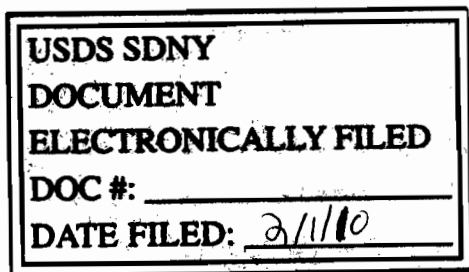
RICHARD J. SULLIVAN, District Judge:

The Clerk of the Court is respectfully directed to docket the attached letters.

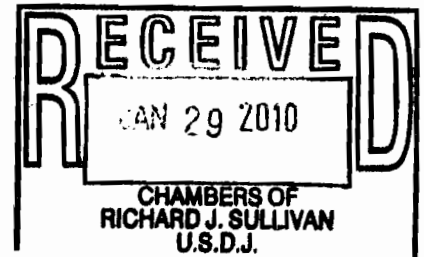
The parties are reminded that, pursuant to the Court's individual sentencing procedures, the Government is responsible for filing all letters from victims, and the Defendants are responsible for filing all letters submitted on their own behalf.

Dated: January 29, 2010
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE



Donald P. Walsh
[REDACTED]
West Hartford, CT 06107
Home: [REDACTED]
Office: [REDACTED]
Cell- [REDACTED]



January 26, 2010

The Honorable Richard J. Sullivan
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl St.
New York, NY 10007

Dear Judge Sullivan,

I am Alberto Vilar's cousin. Yesterday, I was given a copy of a letter to you dated January 21, 2010 from Jonathan Marks, who I understand is Alberto Vilar's attorney. The letter contends that the government has seized funds from Amerindo which are sufficient to eventually make Amerindo investors whole.

I have had an Amerindo Technology Growth Fund account in my wife's name (Marilyn Walsh) since 1995. We have not had access to our funds since Mr. Vilar was arrested several years ago. We have made many attempts to determine, through inquiries made directly to the Security and Exchange Commission (Ms. Kay Lackey), Mr. Vilar himself, his attorneys, and staff on Amerindo's US and London office, the whereabouts of our funds and the prospects for ever seeing this money again.

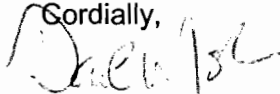
The SEC has never stated in response to my inquiries that Amerindo funds had been identified or seized by the government, or that they will be used to repay victimized investors. The other parties have either refused to even acknowledge our request or, in the case of Amerindo's US office several years ago, acknowledged our request but said they could not discuss this matter with us.

I know that you have record of us as Amerindo victims, because a representative from your office contacted me in December, 2009, to invite me to make a statement in court in connection with deliberations about appropriate sentencing for Mr. Vilar. I appreciated the offer but declined, because this matter is very distressing to me. Prior to his arrest, Alberto was very close to my family and me.

I do not know what to make of Mr. Marks' contentions. I do know that our last Amerindo statement, generated a month before Mr. Vilar's arrest, indicated we had \$220,000 in our account. That money is my share of the inheritance that my mother, Cecilia Kohl, left to me and to my siblings.

My wife and I are just past the mid-point of putting our five children through college. Our Amerindo funds were and are needed for that purpose. If you or your representative could give us any insight as to the likelihood that we will ever be reimbursed we would be very grateful.

Thank you for your time and consideration.

Cordially,

Donald P. Walsh

The Metropolitan Opera

Sarah Billingham
Associate Manager, Arts

Metropolitan Opera
130 West 40th Street
New York, NY 10018
212 509 3121
www.metopera.org

Honorable Richard J. Sullivan
United States District Court
For the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007-1312

January 27, 2010

RE: Alberto Vilar

Dear Judge Sullivan,

I am writing this letter not as a representative of The Metropolitan Opera, but only in my personal capacity to express my own opinion. I have known Alberto Vilar for over fifteen years. In my many encounters with Mr. Vilar I always found him to be a very honorable human being who cared passionately for the opera art form. He was extremely generous with both his time and his money to this organization and many other non-profit arts organizations. I personally believe that his generosity had a great and positive influence on the arts organizations he supported.

Regards,

